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Second special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 December 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.35 a.m.

LETTER DATED 16 NOVEMBER 1992 FROM THE AMBASSADOR OF THE REPUBLIC OF TURKEY TO THE REPUBLIC OF HUNGARY ADDRESSED TO THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS AND LETTER DATED 18 NOVEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMISSION MISSION OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (continued) **(E/CN.4/1992/S-2/2, E/CN.4/1992/S-2/3)**

1. Mrs. JAMES (Amnesty International) welcomed the steps taken by the Special Rapporteur and the Commission's thematic rapporteurs to investigate and report on the situation in the former Yugoslavia, particularly the involvement of forensic experts in the most recent mission. Such work needed to be continued and adequate resources found to ensure that efforts could be intensified and additional experts brought in to join United Nations teams when needed. However, representatives of Amnesty International who had recently returned from Bosnia and Herzegovina had concluded that international initiatives under way since August 1992 had failed to make any real impact on either the scale or the nature of abuses committed in areas with a substantial Muslim population in north-western Bosnia and Herzegovina. They had found that in some small towns and villages, the scale of abuses, such as arbitrary killings, arbitrary detention, threats, the burning of mosques and Muslim houses and the forced transfer of property, had escalated in August, September and October 1992 and had spread such terror among the Muslim population that it had fled Serbian-controlled territory. Despite assurances of safe passage, convoys of refugees had been stopped and further abuses had been committed. They continued to face difficulties in obtaining access to territories immediately adjacent to the areas of conflict. According to reports received by Amnesty International, the Croatian authorities were denying access to refugees who arrived at the border without the proper documentation, which was a violation of the international standards prohibiting refoulement. It was also regrettable that some European States had adopted measures such as the imposition of visa requirements, in an apparent attempt to prevent persons in need of protection from gaining access to their territory. The pleas of the Office of the United Nations High Commissioner for Refugees (UNHCR) had, for the most part, fallen on deaf ears.

2. As many as 6,000 prisoners, the majority of them Muslims held by Serbian forces, were still being detained in camps in Bosnia and Herzegovina, partly because they had nowhere to go. Although the incidence of ill-treatment inflicted on detainees in camps visited by the International Committee of the Red Cross (ICRC) appeared to have lessened, it had been reported that unacknowledged camps had sprung up where conditions and the treatment of detainees were not subject to external monitoring. It was essential that ICRC should be given full and immediate access to all places of detention to ensure that conditions were not below internationally accepted minimum standards. In addition, the international community should press for the immediate and unconditional release of persons held solely on account of their ethnic origin or otherwise arbitrarily or unlawfully detained. There was increasing concern over reports of abuses in eastern Bosnia and Herzegovina where there was virtually no international presence. There was a danger that the conflict in Bosnia and Herzegovina would spill over to the Sandzak region in Serbia and Montenegro which had a large Slav Muslim population. Many Muslims had already

fled the region following incidents in which Muslim-owned property had been destroyed or physical threats made against them. Similarly, the potential for ethnic conflict in Macedonia was a matter of grave concern. Amnesty International was disturbed that ethnic Albanians in Kosovo Province, had been beaten and ill-treated by the police and regretted incidents in which Albanians had been shot dead by the police in disputed circumstances. Such occurrences needed to be investigated by an independent and impartial body whose findings would be made public. Specific measures for human rights protection, including on-site investigation and monitoring by civilian human rights experts, were essential and the proposed appointment of five United Nations officials was welcome. Human rights monitors should also be deployed in potential areas of conflict.

3. However, any such action would fall short of its aim unless intergovernmental organizations worked together. The work of Mr. Mazowiecki, the Special Rapporteur, and of the human rights monitors needed to be brought to the attention of other bodies and form part of their discussions. Also, persons suspected of gross human rights violations or breaches of humanitarian law had to be brought to justice either by national courts or by a competent and impartial international judicial process or by a competent and impartial international judicial process which, she hoped, would lead to the establishment of a permanent international judicial body.

4. Mr. ZÜLEH (Arab Lawyers Union) said that, as a result of media coverage of the systematic killing of prisoners in Serbian concentration camps, such as the one in Omarska, a cry of indignation had gone up around the world. However, the Serbian authorities in charge of the camps had wasted no time in transferring prisoners to other camps and by the time ICRC officials had arrived on the scene, a month later, most of the evidence of atrocities had been removed. It was highly likely that several thousand camp inmates had been killed to prevent eyewitness accounts from leaking out.

5. An extensive Serbian system of detention and concentration camps had been confirmed by numerous survivors during the spring and summer of 1992. It had been reported that there were 94 Serbian camps in Bosnia and Herzegovina and 11 camps in Serbia and Montenegro. A list of the camps had been submitted to the United Nations and relevant international bodies but they had failed to take action and had even clouded the issue by issuing statements saying that both sides in the conflict had detention camps. The fate of the camp inmates, the majority of whom were civilians, not prisoners of war, had been left entirely in the hands of the guards. Many prisoners had been shot, ripped to pieces by dumdum bullets or hand grenades or burnt alive. Others had been forced into overcrowded cells where they had suffocated from tear-gas released into the rooms. It had been reported that some 50 or 60 men at the concentration camp of Luka-Brcko had bled to death after their testicles had been ripped off. The concentration camps were often used as transit camps from where the survivors were deported to central Bosnia or Croatia. When representatives of UNHCR and ICRC had visited the former Yugoslavia they had been denied permission to visit a number of camps. In April 1992 Serbian "chetnics" and army units had begun a policy of ethnic cleansing in vast areas of west and east Bosnia which had taken the Muslim and Croatian communities by surprise. In the occupied areas, Muslims and Croats had become third-class human beings living in constant fear for their lives. Special restrictions

amounting to apartheid had been imposed in various districts. Many Muslim villages and towns had been attacked throughout the spring and summer, bombarded with artillery and captured. Individuals had been murdered or whole groups massacred. The male population had been transported to camps, and houses and flats had been plundered. Entire villages had been destroyed. Women, children and old people had been tortured or raped, and many had been transported to camps. Muslim and Croatian Bosnians had been forced to sign transfer deeds on their houses, farms and businesses. People were often deported in closed and freight trains in which the conditions were atrocious, and were sometimes murdered before reaching their destination. Those left behind were in increasing danger, and it was alleged that in the late autumn of 1992 there had been daily killings of between 5 and 10 Muslims in the area of Banja Luka.

6. Statements made by refugees seemed to indicate that members of the political and intellectual élite were the primary targets of persecution and murder. Such statements had been confirmed by a report on the concentration camp of Omarska released by the United States State Department. Many women who had managed to escape or had been expelled had reported sexual assaults and stated that even children had been brutally raped. Serbian troops had been using guest houses and hotels to establish brothels where thousands of Muslim women were help captive. Many of them had become pregnant and were kept prisoner to prevent any termination of the pregnancy. It had been suggested that the mass rape of young women and the liquidation of young Muslim males were part of a genocide plan, with the most fertile members of the Muslim population being the main target.

7. Serbian troops were systematically destroying the Muslim as well as the Roman Catholic culture of Bosnia and Herzegovina. The old Islamic towns of Sarajevo and Mostar had been razed to the ground. Although it was difficult to say exactly how many persons had died in Bosnia and Herzegovina as a result of Serbian aggression, it had been estimated that between 6 and 7 per cent of the non-Serbian population had been killed. It was not known how many Muslims and Croats were left in Serbian-controlled north-east and west Bosnia. Croatia had already accepted 800,000 refugees and several hundreds of thousands of refugees had fled to other parts of the world.

8. Mr. KOULISCHE (International Educational Development, Inc.) said that the world had been duped by the use of the term "ethnic cleansing" when what was involved was, in fact, nothing less than genocide. The attention of Western countries had been skilfully deflected from what was happening by Mr. Radovan Karadzic. In the name of ethnic cleansing people were being dismissed from their jobs, driven out of their villages and towns, imprisoned and losing their lives.

9. Three types of ethnic cleansing could be identified: cleansing on the spot whereby squads came into a village, killed all the men between 18 and 70, plundered and burned all homes and then raped women or girls in front of children before taking them off to what were known as "brothel-camps"; cleansing at camps which were opened to hold the Muslim population and at which there were between 30 and 40 executions per day, if not more; or the so-called "transfer" or "exchange" policy according to which prisoners of a camp or the inhabitants of a conquered town were led in so-called "freedom

convoys" to a Muslim region, supposedly to be exchanged for prisoners taken by the other side. Usually more than a third of the convoy was killed on the way, another third taken away to some camp and the remainder subjected to violence or abuse before being released.

10. The so-called "Serbian Republic of Bosnia and Herzegovina" had managed to desensitize the world to its extermination policies. Once the death camps had come to light, Mr. Karadzic's veiled allusion to the fact that such camps existed everywhere, and on every side, had been accepted. The world had indeed reacted in the way he had expected. ICRC, UNHCR, the United Nations Protection Force (UNPROFOR) and Governments kept on saying the same things and managed to convince everybody that the camps were simply the visible manifestation of a general tragedy. As expected, everybody had condemned ethnic cleansing because of its violations of human rights, basing their censure on the Universal Declaration of Human Rights and the Charter of the United Nations. Mr. Karadzic had stated that he was not in favour of ethnic cleansing but that it was the least undesirable option in terms of quelling the nationalist frenzy felt by all sides in the conflict in Bosnia and Herzegovina. Neither Lord Owen nor Mr. Vance had dared contradict him. They merely pointed out that Serbian Bosnia should be more aware of human rights policy while "cleansing". They had refused to lift the arms embargo on Bosnia, arguing that it would only increase the general slaughter, but that amounted to denying a sovereign State the right to self-defence.

11. The time had come to face the fact that ethnic cleaning was a crime against humanity, involving genocide by one ethnic group against another. It claimed a daily toll of hundreds of human beings. Death squads, the regular Yugoslav army and private militias, for example, were being paid every day to implement ethnic cleansing. Since March 1992 more than 180 camps had been opened in Serbian Bosnia. More than 15,000 persons had died in the name of ethnic cleansing in those camps, a quarter of the total Muslim population of the area. The remainder of the population had either been taken away and slaughtered or transferred to the special camps for women and children.

12. Ms. OMERAGIC (Muslim World League), speaking on behalf of the Muslim National Council of Sandzak, said that since the first special session of the Commission in August 1992, the situation of the people of Sandzak had grown much worse. The military occupation of the Serbian army was still in force, and the violence had escalated with the continuing aggression of Serbian forces against neighbouring Bosnia and Herzegovina. Serbian armed forces crossed Sandzak daily to massacre Muslims and burn and destroy their houses and shops. The bordering regions, comprising the towns of Pljevlja and Priboj, had been cleansed of the Muslim Sandzak population. Clearly, that population was being subjected to the Serbian political project of creating a Greater Serbia by erasing the indigenous inhabitants of Sandzak. Twenty-five per cent of the Sandzak Muslims had already fled, and the terror was increasing as refugees from Bosnia and Herzegovina told their experiences of horror. They were estimated at some tens of thousands, of whom 1,000 were women who had suffered incredible torture and humiliation in so-called "brothel camps".

13. The increasing uncontrolled violence committed by Serbian soldiers had caused the population of Sandzak to request police protection and the

implementation of justice for criminals found destroying Muslim houses. The Yugoslav authorities had declared that they were not in a position to control security. However, it was a fiction that the Yugoslav armed forces, the Serbian armed forces, the Montenegrin army and the different irregular bands, called "chetniks", were separate entities. The different names were used to exempt the Serbian authorities, who in fact had complete control over the army, from responsibility. The leader of the "chetniks", V. Seselj, was the head of the radical party of Serbia and a deputy in its parliament, and was openly supported by President Milosevic.

14. Thus the population of Sandzak, having been told by the Serbian authorities that they were unable to stop the criminal activities of their armed forces in Sandzak, asked for the protection of international armed forces in order to guarantee respect for peace and order in Sandzak. Sandzak must also recover its political authority, as decided by referendum, which was its only guarantee that its human rights would be respected. Unless Sandzak was placed under international control, ethnic cleansing would continue, and it would suffer the same fate as its mother country, Bosnia and Herzegovina.

15. Ms. MILAS-MATUTINOVIC (World Movement of Mothers), speaking on behalf of Mothers-for-Peace from Croatia, expressed appreciation to the World Movement of Mothers and its President, Mrs. Marie-Laure Beck, who had been one of the rare individuals to anticipate the approaching human catastrophe when Mothers-for-Peace had turned to her nearly one year before. Unfortunately, the world was now faced with that catastrophe.

16. When, in summer 1991, non-Serbians in Croatia had turned to the international human rights organizations to report massacres of non-Serbian civilians, the destruction and besieging of entire towns and villages and deliberate killings of journalists and destruction of television and radio transmitters, hundreds of thousands of innocent civilians in Bosnia and Herzegovina had still been alive, beautiful and historic villages intact and media transmitters still operating. When, in September 1991, full documentation had begun to be received from Croatia concerning deliberate attacks on hospitals, schools, churches and historic monuments, civilian buildings, churches and mosques had still graced the landscape of Bosnia and Herzegovina, which they no longer did. When the first reports of the systematic rape of non-Serbian women and the first pregnant women had reached Croatia, not one mother could have imagined that that crime would be so systematically and repeatedly perpetrated against Muslim and Croatian women, teenage girls and even children in Bosnia and Herzegovina. Lastly, when in December 1991 reports had been received of over 40 concentration camps for non-Serbians in Serbia, Montenegro, Bosnia and the occupied territory of Croatia, no sane human being could have foreseen that nearly all of Bosnia and Herzegovina would soon turn into one enormous and hideous concentration camp.

17. Neither the 24 resolutions relating to the former Yugoslavia nor the signed treaties and cease-fires had prevented the perpetuation of crimes against humanity and crimes of genocide. Since the cease-fire treaty of 2 January 1992 and the implementation of the "Vance Plan" for the territories still occupied by the perpetrators of the crimes, non-Serbian civilians were still being killed and forcibly expelled and their homes burnt and destroyed in the territory under the control of the United Nations. Mass

graves were not opened and investigated. Over one year before, after a siege of several months and the total destruction of Vukovar, the Serbian army had "taken over" several hundred wounded from Vukovar hospital and several thousand civilians. Now listed as missing, those people had been alive when the Special Envoy of the United Nations Secretary-General, Mr. Cyrus Vance, had visited Vukovar on 18 November 1991 escorted by the Serbian army. Thus, while Serbian civilian and military authorities negotiated with high-ranking United Nations officials, hideous crimes against humanity were being committed. In addition, the United Nations peace-keeping soldiers did not always respect their mandate, and some, according to witnesses, had turned a blind eye to violence committed by Serbian guards. In any event, by escorting to safely non-Serbian civilians, UNPROFOR was indirectly assisting ethnic cleansing. The mandate of the United Nations peace-keeping forces had been to enable displaced persons to return safely to their homes, but not one person had been returned to the areas occupied by the perpetrators of the crimes, areas under the responsibility of the United Nations.

18. In conclusion, she said that the Commission on Human Rights should insist on identifying the perpetrator of those crimes against humanity and crimes of genocide. They could then be stopped and the instruments of death destroyed.

19. Mr. OSMANY (Bangladesh) said that the plight of the Muslim population of Bosnia and Herzegovina had already been very grave when the Commission had met in special session four months earlier. As winter approached, besieged cities and population centres, reeling under the cruel onslaught of ethnic cleansing, faced starvation and death, and the extinction of a people was a definite possibility. The Special Rapporteur had documented and confirmed what had been suspected: thousands of innocent and unarmed civilians had perished at the hands of Serbian forces and irregulars and thousands more had been forcibly uprooted to become refugees or displaced persons. The magnitude of the horrors to which the Serbs had been subjecting the Bosnian Muslim population rivalled the excesses inflicted by the Nazis upon European Jews in pursuit of a "final solution". The situation continued to deteriorate while the world community did nothing. It was incumbent upon the international community and especially the Commission to expose ethnic cleansing for what it really was, namely genocide.

20. He commended the Special Rapporteur for his excellent work and urged him to reveal fully the extent of Serbia's complicity in the crimes against humanity occurring in Bosnia and Herzegovina.

21. The lack of political will to prevent a fait accompli in Bosnia and Herzegovina was a disappointing commentary, not only on Europe's inability to deal effectively with massive human rights violations being committed in its own backyard, but on the failure of global leadership to confront armed criminals perpetrating some of the most vicious acts of genocide since the end of the Second World War. The moral authority of the Commission would surely be undermined if it failed to send a clear message to the appropriate United Nations organs to act expeditiously to put an end to the carnage taking place in Bosnia and Herzegovina.

22. Help and protection must be provided to the victims of ethnic cleansing, and the perpetrators of the atrocities should be stopped from further genocide

and brought to justice according to international law. Bangladesh was one of the co-sponsors of the draft resolution before the Commission. Although it would have liked to see a sharper focus on genocide, it believed the resolution was balanced and realistic, and it urged its adoption by consensus.

23. Mr. DIA (Senegal) said that, while international public opinion was shocked and revolted by the criminal acts being committed in Bosnia and Herzegovina, the international community was failing to commit itself to a just settlement of the conflict. After the atrocities documented in the Special Rapporteur's reports, it might be wondered what criteria were being used to evaluate them and to implement international standards for the protection of the rights of the human person. If a selective approach was not avoided, a large portion of international public opinion, convinced that international mechanisms were never implemented when their own interests were at stake, would turn away from them altogether.

24. The Special Rapporteur's report of 28 August 1992 (E/CN.4/1992/S-1/9) clearly established that the self-proclaimed Serbian authorities were conducting a policy of ethnic cleansing against Muslims and the Croatian minority in the territories of Bosnia and Herzegovina under their control. It was obvious that no comparable policy was being practised in the other territories. The world had been projected 50 years back in terms of inhumanity and racial hatred.

25. Must the international community condone impunity for those responsible for that policy, which defied the very basis of the Charter of the United Nations? The Serbian authorities were occupiers in several areas of Bosnia and Herzegovina and, as such, accountable under the 1949 Geneva Conventions for all acts violating human rights and international humanitarian law.

26. Future reports of the Special Rapporteur and the Commission of Experts recently appointed by the Security Council should qualify those acts in terms of the international instruments on human rights, including the Convention on the Prevention and Punishment of the Crime of Genocide. In the meantime, his delegation joined others in thinking that the activities of the international agencies and non-governmental organizations should be improved so as to give them a more effective impact. It also supported the specific proposals of the Special Rapporteur for the release of prisoners and the closure of the detention camps, the establishment of security zones and the opening of humanitarian relief corridors.

27. Ms. PARK (Canada) said that, while her country had been quick to support the holding of the second special session, it was mindful that the need to convene it bore tragic witness to the failure of the parties to the odious conflict in the former Yugoslavia to end the flagrant violations of human rights and humanitarian law that had claimed thousands of innocent victims.

28. The work of the Special Rapporteur on the former Yugoslavia and that of the thematic rapporteurs represented significant progress in the Commission's capacity to respond effectively to urgent situations.

29. As the Special Rapporteur's reports indicated, the primary responsibility for the tragedy lay with the Serbian militia and other irregular units in Bosnia and Herzegovina and their practice of "ethnic cleansing", which

involved not only the forced removal of people but also death threats, torture, rape, arbitrary detention, the destruction of houses, the desecration of places of worship and the murder of political, religious and intellectual leaders.

30. Although the situation in Bosnia and Herzegovina was grotesque, it should not be forgotten that human rights abuses were taking place in other parts of the former Yugoslavia and threatened to grow if a solution was not found quickly. The Special Rapporteur's findings pointed to serious human rights concerns in Serbia and Montenegro, and the situations in Sandzak and Vojvodina also held dangerous potential. In Kosovo, where fears of another bloody tragedy were mounting, urgent preventive measures must be taken to prevent an eruption into open conflict of the serious tensions noted by the Special Rapporteur. The return to normal relations between the international community and the Republics of Serbia and Montenegro could only occur when full respect for human rights had been achieved. Croatian and Muslim leaders must also end the violations occurring in zones under their control, and Bosnian authorities must cease detaining civilians on account of their ethnic origin.

31. Although it welcomed the efforts of Croatian authorities to dismantle Croatian paramilitary organizations, and expected the Serbian authorities to do the same, her Government remained troubled by the human rights situation in Croatia as reported by the Special Rapporteur. It had noted the legislative efforts of the Government of Croatia and urged the authorities fully to implement that legislation to ensure the rights of all ethnic minorities. While recognizing the burden created by the influx of refugees into Croatia, it shared the Special Rapporteur's concern about the refoulement of Muslim refugees to combat zones in Bosnia and Herzegovina.

32. On behalf of all Canadians, her Government also expressed its particular revulsion at the allegations of systematic rape of women aimed at creating an atmosphere of terror and humiliation.

33. All parties to the conflict must be made to recognize that their crimes only perpetuated a vicious cycle of violence and hateful vengeance. She urged the Special Rapporteur to convey his findings to the Commission of Experts recently set up by the Security Council. Her Government was also actively considering the possible modalities for establishing an international ad hoc tribunal before which war criminals would account for their actions, an idea it had suggested on various occasions.

34. As the Yugoslav crisis assumed ever more horrifying proportions with the approach of winter, Canadians would continue to respond compassionately to the victims of that conflict fleeing to their country, and they deplored the continued resistance of Serbian leaders to allowing UNPROFOR units and UNHCR convoys to deliver humanitarian assistance to those in need, in contradiction with their commitments under the London agreements of August 1992. Despite all the attempts to intimidate and provoke the United Nations peacekeeping forces, UNPROFOR must continue its courageous efforts to bring humanitarian assistance to the innocent victims of that conflict.

35. In conclusion, the Commission must condemn without reservation all violations of human rights and international humanitarian law in the former Yugoslavia, especially in Bosnia and Herzegovina, and to that end should

attach special importance to effective cooperation among all international agencies and bodies seeking to alleviate the suffering. Her delegation urged that the current special session should voice clear support for that view in its guidance to the Special Rapporteur and the Secretary-General, as well as in its observations to the coordinators of the International Conference on the former Yugoslavia.

36. Canada had joined the group of countries sponsoring the resolution proposed for adoption at the current special session of the Commission, which it hoped would win the broadest possible support.

37. Mrs. MENEZ-ROSAL (Philippines) said that her delegation joined others in condemning the massive violations of human rights in the former Yugoslavia; she expressed grave concern over the deterioration of the situation in Bosnia and Herzegovina which, as the reports of the Special Rapporteur clearly showed, had worsened. The international community had an obligation to look into the matter urgently since serious human rights violations were continuing despite the ongoing negotiations in Geneva.

38. Her Government was appalled at the reported numbers of displaced persons and their suffering in refugee camps. Despite the difficulties facing them the international community and the United Nations agencies should take immediate steps to put a stop to that tragic situation.

39. The unanimous condemnation by the international community of the situation in the former Yugoslavia needed to be translated into action and the Commission should use all its power to exercise moral suasion on the parties to halt human rights violations, with the full cooperation of other United Nations bodies. The Philippine delegation reiterated the appeal for forceful action made by the Non-Aligned Movement at its Jakarta meeting.

40. Since the Special Rapporteur's reports had given a very clear picture of the gravity of human rights violations in the former Yugoslavia, the Philippines was in favour of extending his mandate and supported his recommendations, in the belief that the exposure of the true nature and extent of those violations was a first step towards the desired solution. The international community should never have allowed the continued violation of human rights to occur with impunity.

41. The Philippine Government had also decided to co-sponsor the draft resolution on the human rights situation in the former Yugoslavia.

42. Mr. MESTRE SARMIENTO (Colombia) said that the human rights situation in the former Yugoslavia was continuing to deteriorate not only in the centres of conflict but also in regions still out of the direct line of the conflagration but indirectly experiencing its consequences, or in regions where the intransigence of the authorities and the civilian population might well cause the war to spread, such as Kosovo, Sandzak and Vojvodina.

43. The Special Rapporteur had in a short space of time gathered enough information to enable the Commission to undertake the task, in accordance with its mandate, of protecting the human rights of the war-torn population and preventing new clashes affecting populations whose sole aspiration was respect for their rights.

44. The Commission should take the necessary steps to carry out its mandate objectively and efficiently. It was on the decisions taken at the current special session that the validity of the new mechanism of the special sessions depended. The Special Rapporteur's reports opened up possible roads which could be investigated in the search for appropriate solutions. As he had asserted in his report to the General Assembly (A/47/666, para. 2), "It is indispensable that the mandate be implemented in a way that has concrete and immediate effect".

45. The Commission could not limit its activity merely to analysing the Special Rapporteur's reports, adopting resolutions transmitting the information to other United Nations bodies and recommending the establishment of a war crimes tribunal. What was at stake was respect for the human rights of the civilian population affected directly or indirectly by the conflict and the credibility of the Commission when it came to carrying out its true mandate.

46. The meeting should analyse in depth the conclusions and recommendations of the Special Rapporteur and adopt measures to implement a major campaign to disseminate knowledge of human rights throughout the territories of the former Yugoslavia so as to counter abuses of authority and the harmful effects of nationalist ideologies based on discrimination and ethnic cleansing. The entire United Nations human rights system, coordinated by the Centre for Human Rights, needed to be mobilized for that effort and extensive use made of the mass media.

47. The causes of the conflict were deeply rooted in intolerance and ideas which fomented hatred between the various ethnic groups and cultures that made up the region. That meant that human rights would not be restored with the end of the armed conflict; a lengthy education process at all levels of society and the State would be required if all the communities, cultures and religions were to live together in mutual respect.

48. The Commission should request the Under-Secretary-General for Human Rights to present it with a specific programme for implementing the recommendations of document A/47/666, particularly with regard to the establishment of an international agency to provide objective coverage of the news throughout the territory of the former Yugoslavia, support by the international community for democratically oriented groups and an appeal to the European mass media to collaborate in an information campaign on human rights and fundamental freedoms. The Commission should also endorse the recommendations of the Special Rapporteur concerning the strengthening of systems providing information on the fate of individuals and, in particular, the activities of the Working Group on Enforced or Involuntary Disappearances. A more dynamic mandate was needed for the Special Rapporteur so that he could follow up human rights violations and other activities for the protection of the human rights of all inhabitants of the former Yugoslavia.

49. It was not necessary to go beyond the limits of the mandate of the Commission on Human Rights to define an action strategy which would contribute to ending the bloody conflict and preventing the war from spreading to other regions. The Commission was not a court; its basic activity was the protection and promotion of human rights. The Colombian delegation had always considered that, in order to achieve those objectives, wide-ranging educational activities needed to be undertaken so as to ensure that knowledge

of human rights and the obligations assumed by States in ratifying international covenants and conventions would become the basis of relations between the State and society. Democracy was not, unfortunately, inherent in human nature but a way of life that had to be learned and consolidated by means of the constant exercise of respect for human dignity and the acceptance of cultural, ethnic and religious differences. International instruments such as the draft declaration on the right of persons belonging to national ethnic religious and linguistic minorities could be used to plan the strategy to be used in emergency situations. It was a difficult and urgent task which required immediate attention.

50. Mr. BA (Mauritania) said that since August 1992, when the Special Rapporteur had first reported the existence of massive violations of human rights in Bosnia and Herzegovina, the situation had deteriorated markedly. In addition to the ravages of war, it was characterized by arbitrary detentions, intimidation, torture, rape, expulsions, murders and the existence of mass graves, as well as the destruction of places of worship and historic monuments. Those were flagrant violations of human rights forming part of a policy of ethnic cleansing which threatened the Muslim population, its main target, with extermination.

51. Mauritania wished to express its sympathy with and support for the people of Bosnia and Herzegovina; appealing to the sense of responsibility which had always characterized the work of the Commission on Human Rights, it called on that body to take measures to restore enjoyment of human dignity and the right to life in Bosnia and Herzegovina. More generally, it appealed to the international community to assume its responsibilities and contribute to restoring sovereignty, territorial integrity and independence in Bosnia and Herzegovina. The withdrawal of the Serbian forces from Bosnia, the immediate opening-up of all the detention camps, guaranteed passage for humanitarian aid and the return of refugees and displaced persons to their homes were the minimum measures needed to improve the situation. The credibility of the Commission on Human Rights and the respect shown to it by international opinion were at stake.

52. Mr. MACRIS (Cyprus) said that the cruelty and misery that could be inflicted upon human beings by political expediency emerged clearly from the Special Rapporteur's reports. Cyprus unambiguously condemned the policy of ethnic cleansing being implemented in Bosnia and Herzegovina and its sinister goals of creating secure borders or unifying ethnically homogeneous areas through enforced demographic changes. It called for the return of the hundreds of thousands of displaced persons in conditions of safety and respect for human dignity.

53. His delegation expressed its concern at the repeated violations of the most fundamental rules and principles of international human rights law and joined other delegations in calling upon those responsible to put an immediate end to all actions which constituted a threat to the survival of thousands of innocent victims.

54. From its sad experiences 18 years previously, Cyprus was in a position to understand the gravity of the situation in the former Yugoslavia. It hoped that Turkey, which had taken the lead in protecting human rights in Bosnia and Herzegovina and had contributed to preparing a resolution condemning ethnic cleansing, human rights violations and displacements, would play an equally

constructive role in the search for a solution to the tragic problem of Cyprus. Action by the international community was crucial before cold, hunger and disease took their toll of the inhabitants of Bosnia and Herzegovina. With a view to contributing to such action, his delegation wished to co-sponsor the draft resolution before the Commission.

55. Mr. MOUNIR ZAHRAN (Observer for Egypt) said that his delegation welcomed the convening of the second special session to consider the tragic situation in Bosnia and Herzegovina, which the international community could no longer tolerate. The barbaric acts occurring there involved attacks on the population and the displacement of persons. The Commission must take a resolute stand to end the tragedy.

56. At a time when the international community was developing new mechanisms to promote human rights, it was witnessing the unfolding of a racist plot, the so-called policy of ethnic cleansing, in which repressive and inhuman practices were being perpetrated against the majority of the inhabitants of Bosnia and Herzegovina and specifically the Muslims, with a view to obliterating their religious and cultural identity and illegally extending Serbia's territory. He wished to emphasize that ethnic cleansing did not originate in military activity; with the support of the Belgrade Government, its aim was the setting up of ethnically pure zones using massacres, demolition and enforced displacement as means of coercion. In paragraph 6 of his second report (E/CN.4/1992/S-1/10), the Special Rapporteur had reaffirmed those facts and pointed out that the practices in question had been intensified in the few weeks since his first report; the Serbs had flouted the resolutions of the international community and continued with their plan. A tribute should be paid to the unswerving efforts and courage of the Special Rapporteur, despite all difficulties and dangers; he should be given all the resources he needed and his recommendations should be implemented so that he could complete his task and monitor its results.

57. The Egyptian Government had already confirmed its position in letters to the Secretary-General and by its participation in the conference currently taking place in Jeddah to examine the deterioration of the situation in Bosnia and Herzegovina. Only a few days previously, the Egyptian Minister for Foreign Affairs had noted that the aggression in Bosnia and Herzegovina was continuing. The international community had not faced the situation as it should have done, and the aggression had reached the stage of ethnic cleansing - a racist tactic, similar to those employed by the Nazis. In fact, Egypt had sent troops to participate in UNPROFOR in Sarajevo and had also offered humanitarian assistance, as a contribution to combating the aggression.

58. If a global solution was to be found to the tragedy, it was necessary to go back to its political roots, which could be found in the violation of the sovereignty of Bosnia and Herzegovina, a Member of the United Nations, and the denial of its right to self-determination despite the recognition of the international community. Egypt supported the draft constitution for Bosnia and Herzegovina which had been proposed as a means of settling the problem and hoped that all parties would accept it.

59. There was a need for prompt and effective measures to stop the genocide. They should include the establishment of safe-haven zones in Bosnia and Herzegovina with military protection; guaranteed access for humanitarian assistance; an end to the killing and the disarming of the militias, whose

weapons would be handed over to the United Nations; the right of return of refugees and displaced persons who should be resettled in Bosnia and Herzegovina and recover their homes and property; the release of all detainees; and the punishment of those responsible for crimes against humanity through an international tribunal. It was also necessary for the international community to assume its responsibilities and implement the Geneva Conventions and international humanitarian law in order to allow such a tribunal to judge and sentence criminals and provide compensation for the populations which had suffered from violations.

60. The international community should deal with the political origins of the conflict; it should clearly identify the aggressor; it should brand ethnic cleansing as an odious practice analogous with the crime of genocide; it should do its utmost to stop aggressive action by Belgrade and the Serbian militias and adopt measures to implement Chapter VII of the Charter of the United Nations and the Security Council's call for a naval blockade against Serbia and Montenegro; it should reaffirm the right to self-determination of Bosnia and Herzegovina, whose borders should not be changed nor its demography altered; and it should reaffirm the right of Bosnia and Herzegovina to self-defence in accordance with Article 51 of the Charter and exclude it from the Security Council embargo on weapons and military equipment, for if the embargo was maintained, the aggressor would annihilate the victims and an aggravation of the conflict could be expected since Bosnia and Herzegovina would not be in a position to defend itself.

61. Referring to the draft resolution before the Commission, he considered that it contained important sections on human rights violations but failed to address certain points which his delegation regarded as matters of concern.

62. The international community was witnessing with concern the tragic deterioration of the situation in the former Yugoslavia, and decisive measures needed to be taken to put an end to it.

63. Mr. ASKALANI (League of Arab States) said that the convening of the second special session bore witness to the fact that the situation in the former Yugoslavia, and especially in Bosnia and Herzegovina, had seriously deteriorated with the consequent risk of upheavals in other parts of the world. The League of Arab States hoped that the deliberations of the Commission would help to clarify who was responsible for or benefiting from the genocidal war being waged against the defenceless people of Bosnia and Herzegovina. The continuing atrocities in that territory recalled the barbaric crimes of the Nazis, as well as the tragedy of Palestine and the massacres of blacks in Africa. Thousands were being killed by the Serbian militias, who were using the most lethal weapons and committing torture and rape of innocent civilians. Those crimes were taking place only a few hours' travelling time from the major capitals of Europe, which had a tradition of introducing and enforcing laws to guarantee justice and equality. Yet the world seemed largely indifferent and its sensibilities dulled to the reports of the massacre of women and children, the uncovering of mass graves and the horrors of the concentration camps.

64. The League welcomed the proposals made at the International Conference on the former Yugoslavia and also the adoption of Security Council resolution 787 (1992). At the same time, it wished to reiterate its appeal

to ICRC and all humanitarian organizations to open relief corridors and ensure the application of the Geneva Conventions and the release of all prisoners in Serbian military concentration camps.

65. The Special Rapporteur in his reports had highlighted the horrifying practice of ethnic cleansing being carried out on a vast scale by the Serbs in Bosnia and Herzegovina, concluding that that practice was the goal and not the consequence of the war. It also had to be stressed that the Serbian genocide was part of a racist policy aimed at creating a fait accompli in the shortest possible time. The barbaric treatment of civilians, along with the profanation of places of worship and the destruction of other sites of cultural heritage, constituted acts punishable as crimes against humanity that violated the most basic principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and other human rights instruments.

66. Those waging the genocidal war in Bosnia and Herzegovina, a war that could soon spread to Kosovo, Sandzak and other parts of the former Yugoslavia, would not have dared to go on perpetrating their crimes had the international community not shown reluctance to take action to prevent them. Security Council resolution 780 (1992) provided for the investigation of war crimes. Clearly, the genocide in Bosnia and Herzegovina came within that category but the question was whether there was a will to apply the principles of that resolution to the oppressed people of that republic. The Security Council was now preparing to take action concerning Somalia, invoking the provisions of Chapter VII of the Charter. Was that Chapter to be applied only to certain parts of the world? The prestige of the United Nations and of international law should not be linked to political interests. Peace-loving peoples, including the Islamic and Arab peoples, remained hopeful that the international community would be stirred by its conscience and assume its historic responsibility.

67. The League commended the efforts of the Special Rapporteur and called upon the Commission, as well as the Security Council, to take decisive and clear-cut measures to reverse the continuing deterioration of the situation. Such measures should include the lifting of the arms embargo imposed on Bosnia and Herzegovina to permit the exercise of the right to self-defence, thereby helping to bring an end to the massacres and genocide in that territory, as well as a just solution ensuring peace and security and the safeguarding of the rights of minorities and human rights in general. With the current situation posing a threat to the entire region and international peace, bold and concerted efforts were vital to turn back the flood of hatred unleashed by the Serbian militias. It was likewise essential to restore the standing of international law and the confidence of oppressed peoples in the justice of the international community and the effectiveness of the United Nations.

68. Mr. SIRAJ (Observer for Malaysia) said that his delegation had noted the Special Rapporteur's conclusion that the principal objective of the military conflict in Bosnia and Herzegovina was the establishment of ethnically homogeneous regions. That reprehensible policy remained a matter of most urgent concern. The situation in Kosovo, Vojvodina and Sandzak was also becoming critical and there were indications that practices associated with ethnic cleansing were occurring with some regularity. The prisons, concentration camps and refugee centres were overcrowded and unspeakably squalid, with inmates in desperate need of food and medication. Thousands

more found their lives threatened and their human dignity violated. Unless immediate action was taken, many would not survive the coming winter. The Muslims were the principal victims and were threatened with extermination. The savagery of ethnic cleansing in Bosnia and Herzegovina had furthermore been brought home a few days previously by an international daily which had printed a young Bosnian Serb's graphic confession to six months of murder and rape as a member of the Serbian volunteers.

69. The situation in Bosnia and Herzegovina was not just a civil war, a humanitarian situation or a human rights situation. It was age-old nationalist or ethnic hatred and intolerance that underlied the unremitting killings of Bosnians, especially civilians.

70. In the three months since the Commission's first special session, at which his delegation had expressed its apprehension about the possible disappearance of Bosnia and Herzegovina, the Serbs had "achieved" even more than anticipated. While the international community had been earnestly brokering one ceasefire agreement after another, the Serbs had relentlessly steamrollered their way through 70 per cent of that territory, thousands of Bosnians had been killed and 1.8 million people driven from their homes. Even now, the Serbian nationalists were systematically destroying Bosnia and Herzegovina.

71. It was imperative that the international community should firmly uphold the principle of non-recognition of territories acquired through Serbian aggression, ethnic cleansing and other illegal acts. Anything less would only mean more land grabbing, further destabilizing the rest of the Balkans and threatening international peace and security. The right of the victims of ethnic cleansing to return to their homes and the invalidity of legal acts made under duress should be re-emphasized.

72. His delegation fully supported the Special Rapporteur's conclusion that safe havens abroad must be found for the former detainees of concentration camps whose lives were in acute danger. Malaysia had informed UNHCR of its readiness to accept some 100 such former detainees. The need to seek refuge abroad could be reduced if the concept of security zones within the territory of Bosnia and Herzegovina was actively pursued. Lastly, Malaysia welcomed the establishment by the Security Council of a Commission of Experts to examine and analyse information relating to violations of international humanitarian law. However, the Commission's work must soon be followed up with appropriate action by the Security Council to bring those responsible to justice.

73. Mr. SEMICHI (Observer for Algeria) thanked the delegations of Turkey and the United States for having taken the initiative of convening the second special session of the Commission, thereby enabling the international community to re-examine the question of human rights violations in Bosnia and Herzegovina. Those two countries' initiative confirmed their willingness to use their respective influence to promote solutions capable of halting the escalation of violence in that part of southern Europe.

74. Barely three months earlier, his delegation had expressed concern at the systematic aggression directed against the Bosnians, particularly those of the Muslim faith. It had also denounced the killings, torture and other forms of oppression committed by reactionary forces that had undertaken to eradicate Muslims and their culture from Bosnia and Herzegovina. Lastly, it had warned

the international community that, if it did not take care, it would become the accomplice of a vast endeavour to commit genocide in the name of the ideology of ethnic cleansing in Bosnia and Herzegovina, a Fascist programme as demoniac as it was anachronistic.

75. There was now a terrible realization of the powerlessness of the international community, which must nevertheless assume its universal mission in all its implications, and must in particular provide effective relief and bring an end to the genocide that was being organized de facto in a vulnerable part of the population of Bosnia and Herzegovina, which like other regions of the former Yugoslavia, had proclaimed its independence. The Special Rapporteur had produced the most objective reports possible, describing the horrors he had seen and the consequences of the odious practice of ethnic cleansing undertaken by the Serbs in Muslim areas of the Republic of Bosnia and Herzegovina. Bosnian Muslims, whose tragedy could not fail to revive memories of other strife witnessed over the centuries in that part of the Balkans, were today being denied their inalienable right to self-determination. Tomorrow, the hotbeds of tension could well spread, first to other regions of the former Yugoslavia, to Kosovo, Sandzak, Vojvodina, Macedonia, and then perhaps to southern Europe as a whole or even to a large part of Asia.

76. The international community must take immediate action to stop events from spiralling out of control. The Muslims in Bosnia and Herzegovina must be protected; they must be allowed to live in safety in their homes and the independence of their republic must be preserved. That meant stopping any alteration of the ethnic composition of that republic. Lastly, it was essential to resist the hegemonism resorted to by the Serbian leaders in Belgrade and elsewhere to extend their aggression to other republics of the former Yugoslavia. That must be done very fast because the situation was deteriorating rapidly. In a few weeks it might be too late - too late for stability in the region and perhaps too late for international peace and security in the whole of the former Yugoslavia, throughout the Balkans, in the Middle East and in the entire southern part of the former Soviet Union.

The meeting rose at 1 p.m.